

# AGNIFILO INTRATER

---

September 23, 2025

**Via ECF and Email**

The Honorable Margaret M. Garnett  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *United States v. Mangione*, 25 Cr. 176 (MMG)

Dear Judge Garnett:

Since the filing of Mr. Mangione’s Motion Challenging the Constitutionality of the Death Penalty (hereafter referred to as “the death penalty motion”) on September 19, 2025,<sup>1</sup> the government has continued to prejudice his right to a fair trial in a death penalty case in violation of his Fifth and Eighth Amendment rights.

On September 18, 2025, the President of the United States appeared on Fox News Channel and stated that Mr. Mangione “shot someone in the back as clear as you’re looking at me...he shot him right in the middle of the back – instantly dead...” On September 19, 2025, this Fox News clip was then tweeted by a White House affiliated X account @Rapid Response47.<sup>2</sup> A screenshot of the post appears below:

---

<sup>1</sup>ECF Doc. No. 51.

<sup>2</sup> This account states that it has been independently verified by the X social media platform as being an @WhiteHouse affiliate. The post indicates that it has been viewed more than 300,000 times; See link <https://x.com/rapidresponse47/status/1968763939740590553?s=46&ct=rw-null>.

Hon. Margaret M. Garnett  
September 23, 2025



This post was then retweeted by an account belonging to an individual whose LinkedIn page states that he is the Deputy Director of the Department of Justice Office of Public Affairs, working for the Attorney General of the United States,<sup>3</sup> with the added statement: “@POTUS is absolutely right.”<sup>4</sup>

<sup>3</sup><https://www.linkedin.com/in/chad-gilmartin-0904a3115/>.

<sup>4</sup>This X post by Chad Gilmartin III (@ChadGilmartinCA) has since been removed.

Hon. Margaret M. Garnett  
September 23, 2025

A screenshot of the now-deleted post is included below:



Hon. Margaret M. Garnett  
September 23, 2025

The following day, September 20, 2025, an X account, identified as belonging to the Chief of Staff and Associate Deputy Attorney General for the Deputy Attorney General, retweeted the same post.<sup>5</sup>

A screenshot of this now deleted post is provided below with a red arrow indicating where it states that it had been retweeted by this account.



<sup>5</sup> Brian Nieves, (@BrianNievesDOJ), <https://x.com/BrianNievesDOJ>.

Hon. Margaret M. Garnett  
September 23, 2025

On September 22, 2025, the White House Press Secretary referred to Mr. Mangione as a “left wing assassin [who] shot United Healthcare CEO Brian Thompson right in the back in New York City” while speaking at a White House press briefing.<sup>6</sup>



Next, in an official White House press release dated September 22, 2025<sup>7</sup>, titled “President Trump isn't backing down from crushing radical left violence,” Mr. Mangione’s name was referenced in support of the President’s designation of a domestic terrorist organization.<sup>8</sup>

And finally, on the evening of September 23, 2025, the White House Deputy Chief of Staff for Policy appeared on Fox News Channel and stated “of course the healthcare CEO was brutally gunned down by another self-described so-called anti-fascist that was then celebrated by other self-described anti-fascists, so of course, really communist revolutionaries.” The Government very well knows this statement to be false as they are in possession of his alleged extensive journal writings where the writer never once mentions being anti- (or pro) fascist. The White House Deputy Chief of Staff for Policy then retweeted this Fox News Channel clip to his 1.5 million X followers. See below, with a red arrow indicating that it was reposted by this account:

<sup>6</sup> The White House, *Press Secretary Karoline Leavitt Briefs Members of the Media, Sep. 22, 2025*, (Sept. 22, 2025), <https://www.whitehouse.gov/videos/press-secretary-karoline-leavitt-briefs-members-of-the-media-sep-22-2025/>.

<sup>7</sup>The White House, *President Trump Isn’t Backing Down from Crushing Radical Left Violence*, (Sept. 22, 2025), <https://www.whitehouse.gov/articles/2025/09/president-trump-isnt-backing-down-from-crushing-radical-left-violence/>.

<sup>8</sup> Mr. Mangione is not charged with terrorism in either the instant case or in the New York State case; on December 19, 2025, a New York County Supreme Court Judge dismissed the two-state terrorism related charges.



Hon. Margaret M. Garnett  
September 23, 2025



The Government has indelibly prejudiced Mr. Mangione by baselessly linking him to unrelated violent events, and left-wing extremist groups, despite there being no connection or affiliation. A recent, tragic, high-profile murder has only increased this prejudicial rhetoric. The attempts to connect Mr. Mangione with these incidents and paint him as a “left wing” violent extremist are false, prejudicial, and part of a greater political narrative that has no place in any criminal case, especially one where the death penalty is at stake. Mr. Mangione in fact does not support these violent actions, does not condone past or future political violence, nor is he in any way aligned with the group mentioned in the White House press release.

On April 25, 2025, this Court ordered the acting United States Attorney for the Southern District of New York to advise the United States Attorney General to read Local Criminal Rule 23.1. On April 30, 2025, the Acting United States Attorney for the Southern District of New York

Hon. Margaret M. Garnett  
September 23, 2025

informed the Court that he had notified the Office of the Deputy Attorney General of the Court's instruction per Local Criminal Rule 23.1, which confirmed that it would in turn notify the Attorney General. Accordingly, this Justice Department is knowingly and intentionally in violation of this Court's Order by continuing to make false and damaging statements in this death penalty case.

Respectfully submitted,



---

Karen Friedman Agnifilo  
Marc Agnifilo  
Jacob Kaplan  
AGNIFILO INTRATER LLP  
445 Park Ave., 7th Fl.  
New York, NY 10022